

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLOS KALMAR, et al.,)	CASE NO.: 1:24-cv-00193
)	
Plaintiffs,)	JUDGE: BRIDGET MEEHAN BRENNAN
)	
-v-)	MOTION FOR ORDER TO FILE AN
)	EXHIBIT TO PARTIAL MOTION TO
THE CLEVELAND INSTITUTE OF)	DISMISS UNDER SEAL
MUSIC, et al.,)	
)	
Defendants.)	
)	

Defendants The Cleveland Institute of Music, Scott Harrison, Dean Southern, and Paul Hogle (the “CIM Defendants”) plan to file a Partial Motion to Dismiss on or before the responsive pleading deadline of March 15, 2024. In connection with that Motion, the CIM Defendants intend to attach as exhibits and cite documents that Plaintiffs have specifically referenced in the Amended Complaint (ECF Doc. 4), and which are central to Plaintiffs’ claims. See *Weiner v. Klais & Co.*, 108 F.3d 86, 89 (6th Cir. 1997), overruled on others grounds (Permitting defendant to attach and noting that a defendant “may introduce certain pertinent documents if the plaintiff fails to do so....”). See also *Greenberg v Life Ins. Co. of VA.*, 177 F.3d 507, 514 (6th Cir. 1999); *Rodrigo, L.L.C. v. Twp. Of Richmond*, 641 F.3d 673, 682 (6th Cir. 2011).

One such exhibit will be the Title IX investigative report prepared by Carole Rendon of Baker & Hostetler (the “Investigative Report”), which Plaintiffs repeatedly reference and rely upon at ¶¶ 72 – 76 of the Amended Complaint, and the “anonymous year-end course evaluation form” (incorporated at ¶ 24 of the Amended Complaint), which is an exhibit to the Investigative Report. The Investigative Report and the exhibits thereto contain responses to the investigators’ inquiries about about Mr. Kalmar, as well as the factual findings of the investigator. Given that the core of

Mr. Kalmar's lawsuit is his concern about the impact of the investigation on his reputation, the CIM Defendants seek an order granting them permission to file the Investigative Report under seal, and to redact any contents of the Investigative Report from the body of their Partial Motion to Dismiss.

Defendants attach a proposed Order granting this Motion for the Court's convenience.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2024, a copy of the foregoing *Motion* was electronically filed with the Clerk of Court using the CM/ECF system. Notice of filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Monica L. Lacks

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One of the Attorneys for Defendants